

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
SUPPLEMENTAL NOTICE OF POTENTIAL CLAIM
CEM-6201B (NEW 9/2002)

| FOR STATE USE ONLY | |
|-------------------------|------|
| Received By | DATE |
| (For resident engineer) | |

| | | | |
|--|------------------------------|--------------------------|------------------------------------|
| TO Pedro Sanchez (resident engineer) | CONTRACT NUMBER 04-0120E4 | DATE January 29, 2008 | IDENTIFICATION NUMBER 14-011408 |
|--|------------------------------|--------------------------|------------------------------------|

This is a Supplemental Notice of Potential Claim for additional compensation submitted as required under the provisions of Section 9-1.04, "Notice of Potential Claim," of the Standard Specifications. The act of the engineer, or his/her failure to act, or the event, thing, occurrence, or other cause giving rise to the potential claim occurred on: DATE

The particular nature and circumstances of this potential claim are described in detail as follows

See attached "NOPC 14-011408 -- Supplemental Notice of Potential Claim".

(attach additional sheets as needed)

The basis of this potential claim including all relevant contract provisions are listed as follows:

See attached "NOPC 14-011408 -- Supplemental Notice of Potential Claim".

(attach additional sheets as needed)

The estimated dollar cost of the potential claim including a description of how the estimate was derived and an itemized breakdown of individual costs are attached hereto.

See attached "NOPC 14-011408 -- Supplemental Notice of Potential Claim".

(attach sheets as required)

A time impact analysis of the disputed disruption has been performed and is attached hereto. The affect on the scheduled project completion date is as follows:

See attached "NOPC 14-011408 -- Supplemental Notice of Potential Claim".

The undersigned originator (Contractor or Subcontractor as appropriate) certifies that the above statements and attached documents are made in full cognizance of the California False Claims Act, Government Code sections 12650-12655. The undersigned further understands and agrees that this potential claim to be further considered, unless resolved, must fully conform to the requirements in Section 9-1.04 of the Standard Specifications and must be restated as a claim in the Contractors written statement of claims in conformance with Section 9-1.07B of the Standard Specifications.

Kien, + / FC / Man Asv
SUBCONTRACTOR or CONTRACTOR
(Circle One)
[Signature]
(Authorized Representative)

For a subcontractor potential claim

This notice of potential claim is acknowledged, certified and forwarded by

PRIME CONTRACTOR
(Authorized Representative)

007897 JAN 29 08

RECEIVED

RECEIVED

NOPC 14-011408 -- Supplemental Notice of Potential Claim

007897 JAN 29 88

A. Nature and Circumstances of Dispute

Kiewit/FCI/Manson AJV ("KFM") has performed extra work at the State's direction to revise number, configuration, and color of navigation lights on Pier E2 and Pier T1. KFM has provided information to the State to enable a Contract Change Order for this work to be issued. No change order for this work has been issued.

The State directed that navigation lights originally specified as white lenses be replaced with lights with red lenses per State Letter 3358. In addition, the State directed by Letter 3690 that additional lights be furnished for Piers E2 and T1 and that all lights have 180 degree lenses instead of the 360 degree lenses specified by the original contract. The State, by Letter 3692, requested KFM provide a cost proposal for the work identified in State Letter 3690 and identified Contract Change Order No. 71 ("CCO 71") as a pending change order to compensate KFM for this work. KFM completed all the directed work and has provided a cost proposal to the State for preparation of a contract change order for this work. A contract change order for this work has not been issued by the State or approved by the Engineer.

KFM requests the Engineer issue a Contract Change Order for this work and provide immediate compensation to KFM.

B. Contract Basis of Claim

Imminent completion of all contract work by KFM and Contract Acceptance by the Department without an approved contract change order for this work gives rise to this NOPC at this time.

The work directed by State Letters 3358 and 3690 is not included in the original contract scope of work and is a change under the contract consistent with Standard Specification 4-1.03D, "Extra Work". The State has indicated by its statement of intent to issue a contract change order that the directed work is extra work.

KFM performed the directed work pending issue of a Contract Change Order. Three navigation lights were changed from white to red, three additional lights were furnished and installed, and three lenses were changed from 360 degree configuration to 180 degree configuration. KFM furnished and made available temporary lights for contingency use. All work performed has been accepted by the State. However, the subject work continues to not be incorporated into the contract as no contract change order has been issued or approved by the Engineer.

Work on navigation lights and all other Contract Work on the project continued towards completion and Contract Acceptance without a change order for this work being issued or becoming effective and incorporated into the contract.

Amended Standard Specification 9-1.07B, "Final Payment and Claims", fifth paragraph, notes that claims made in response to the Proposed Final Estimate following Contract Acceptance will not be considered if the Contractor did not first comply with applicable notice or protest requirements of the contract including 9-1.04 "Notice of Potential Claim".

As CCO 71 was not effective as of January 14, 2008, and could not be reasonably anticipated to be approved and effective by KFM's anticipated completion date of January 18, 2008, KFM has made a Notice of Potential Claim to allow for claims associated with this work in accordance with Amended Standard Specification 9-1.07B, "Final Payment and Claims".

C. Cost Estimate

KFM has furnished to the State a cost proposal for all elements of this work except changing three lenses to 180 degree configuration. KFM estimates the cost for all work under this NOPC to be \$17,500.00 pending final costs from our suppliers and subcontractor, Ed Scott Electric.

D. Time Impact Analysis

KFM does not propose an adjustment to the contract time of performance as a result of this Notice of Potential Claim.

RECEIVED

007897 JAN 29 2008